

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AT&T WIRELESS SERVICES, INC.,

Plaintiff,

v.

MORGAN & FINNEGAN, L.L.P.,

Defendant.

Case No. C03-0161L

ORDER DENYING MOTIONS IN LIMINE
REGARDING DAMAGES EXPERTS

This matter comes before the Court on “Defendant’s Motion in Limine to Exclude the Testimony of Daniel Burns” (Dkt. # 85), “Defendant’s Motion in Limine to Exclude, in part, the Testimony of Daniel Burns” (Dkt. # 145), “Plaintiff’s Motion in Limine No. 1” to exclude the report and testimony of defendant’s expert witness Marc B. Sherman (Dkt. # 87), and “Plaintiff’s Supplemental Motion in Limine No. 1” to exclude the report and testimony of Mr. Sherman (Dkt. # 173). Both experts will be permitted to testify at trial. Pursuant to Fed. R. Ev. 703, experts may rely on data provided by others “if of a type reasonably relied upon by experts in the particular field in forming opinions or inferences on the subject.” To the extent the parties challenge the accuracy of the underlying data provided by the clients, the expert’s opinion is open to attack on cross-examination or through the presentation of contrary evidence. Foundational objections should be raised during the testimony and will be determined in light of all of the evidence presented at trial.

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1 For all of the foregoing reasons, the motions in limine to exclude the reports and
2 testimony of the damages experts (Dkt. # 85, 87, 145, and 173) are DENIED.

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4 DATED this 12th day of May, 2005.

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7 Robert S. Lasnik
8 United States District Judge
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